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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,274	01/30/2004	Richard R. Green	013208.0133PTUS	7874
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PATTON BOGGS LLP 1801 CALIFORNIA STREET SUITE 4900 DENVER, CO 80202			EXAMINER TURCHEN, JAMES R	
			ART UNIT 2139	PAPER NUMBER
			MAIL DATE 12/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/769,274

Applicant(s)

GREEN ET AL.

Examiner

James Turchen

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claims 1-6 are pending. Claims 1 and 4 are amended.

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites, "authentication means, located in said security device, for locating at least one other consumer electronic device not connected to said security device or said first consumer device". It is not found within applicant's disclosure an authentication means for locating, but on page 4, line 2 "Authentication – Before sending protected content, the receiving device must be authenticated..". Also, claim 1 recites, "link management means, for establishing a wireless communication link from said security device means to said located at least one other consumer electronic device". It is not found within applicant's disclosure a link management means for establishing a wireless communication link, but on page 4

lines 7-9 "Link Management – As content is sent from the RDCSD to the receiving device, the wireless link must be monitored for loss or degradation of signal". Therefore claim 1 introduces new matter. Claim 4 recites, "automatically locating, by said security device, at least one other consumer electronic device not connected to said security device means or said first consumer device". It is not found within applicant's disclosure a method for "automatically locating", as on page 5, lines 29-30 disclose "finding and connecting to consumer electronics devices", however, from the disclosure it is not inherent that the "finding and connecting" is automatic. Therefore, claim 4 introduces new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 4 recite, "locating at least one other consumer electronics device." It is unclear how applicant intends to locate and what applicant means by locate. Locate is defined by a dictionary to "discover the location of; determine the place of; find by searching or examining". Additionally, the disclosure does not provide a method or system for locating a device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Gammie in view of Bilbrey.

Regarding claims 1, 2, 4, and 5:

Gammie discloses a wireless interface for Removable Digital Content Security
Devices for delivering a stream of decrypted program content to a plurality of consumer
electronics devices, comprising:

security device means, removably connected to a first consumer electronics
device, for receiving a stream of encrypted program content from a source [*figure 5,*
decoder 506 receives encrypted program content through satellite link 505; output 509
will be inherently removably (as the user can disconnect the satellite receiver/decoder at
any given time) connected to a TV, VCR, etc.];

decryption means, located in said security device means, located in said security
device means, for locating at least one other consumer electronic device not connected
to said security device means or said first consumer device [*column 6 lines 26-30,*
program descrambler 508 reads the decrypted program content (column 6 lines 26-30,
program descrambler 508 reads the decrypted key and uses the key to descramble and
output descrambled program); 508 is located within decoder 506];

Gammie does not disclose an authentication means, located in said security
device means, for locating at least one other consumer electronic device not connected
to said security device means or said first consumer device, a link management means

for establishing a wireless communication link from said security device means to said located at least one other consumer electronic device, or a wireless transmitter means for wirelessly transmitting said decrypted program content to at least one other consumer electronics device. Bilbrey discloses a portable video playback device that is adapted to receive compressed video data via an antenna and RF receiver [*paragraph 34; it is inherent that an RF transmitter is paired with an RF receiver*]. Bilbrey does not disclose locating at least one other consumer electronics device or establishing the wireless communication link. 802.11 protocols were well known in the art at the time of invention (specifically 802.11a and 802.11b). As is known in the art, 802.11 wireless routers broadcast their SSID's and wireless enabled user devices discover the wireless networks and if a user decides to connect to the router via wireless enabled user device, the router and wireless enabled user device set up a communication link. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method and system for wirelessly transmitting and receiving digital content disclosed by Bilbrey with the well known methods of the 802.11 protocols in order to provide over-the-air modulation techniques using a basic protocol. Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system and method of Gammie with the wireless transmitting and receiving of Bilbrey and the 802.11 protocol in order to reproduce compressed video information by a portable device [*paragraph 4*].

Regarding claims 3 and 6:

It is inherent that an RF transmitter and receiver use the same link layer and physical protocols [*protocol as defined by Encarta dictionary is a set of technical rules for the transmission and receipt of information between computers; thus there must be a protocol between the two devices or else the devices will not be able to communicate properly*].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Turchen whose telephone number is 571-270-1378. The examiner can normally be reached on MTWRF 7:30-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRT


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